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March 10, 2010

VIA FACSIMILE (856) 757-5296 AND ECF

The Honorable Ann Marie Donio
United States Magistrate Judge
United States District Court
for the District of New Jersey
4th and Cooper Streets
Camden, New Jersey 08101

RE: Court's December 8, 2009 Order & Pending Motions:
HT of Highlands Ranch, Inc., et al. v. Hollywood Tanning Systems, Inc., et al.
Civ. A. No. 07-5718 (D.N.J.) – Consolidated for Discovery Purposes

Markwood Enterprises, Inc. v. Hollywood Tanning Systems, Inc. , et al.
Civ. A. No. 10-0083 (D.N.J.)

My Dear Judge Donio:

Consistent with the Court's direction at the November 30, 2009 at a discovery motion hearing and the December 4, 2009 at a telephone status conference that the Parties advise the Court as to any aspect of the pending motions that were mooted, I write to advise the Court that RMB Enterprise, Inc. ("RMB") had settled its litigations and thereby mooted certain aspects of the pending motions. Pursuant to my discussion with Chambers, I am faxing this supplement to my December 8, 2009, December 10, 2009 (two letters), and January 21, 2010 correspondences advising the Court as to aspects of the motions that had either been resolved or were still outstanding.

The RMB settlement entirely moots the following pending motions:

- Docket Nos. 209/210/217: Defendants' Motion for Voluntary Dismissal of Counterclaims IV and VI (pertaining to Counterclaims against RMB);

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- Docket No. 221: *CROSS MOTION TO CONSOLIDATE* filed by RMB Enterprise, Inc.

The RMB settlement partially moots the following pending motions of RMB/Markwood Enterprises, Inc. ("Markwood") only to the extent that they pertain to information that RMB sought from Defendants or third parties. One third-party from whom documents/testimony was sought was RMB specific - Kim D. Weber. However, the motions are not mooted with regard to information which Markwood also requested from Defendants and the other third-parties but such requests were either sought to be quashed by Defendants or required a Court Order compelling production, including:

- Docket No. 192. MOTION for Protective Order AND TO QUASH SUBPOENAS by RALPH VENUTO, JR, CAROL F. VENUTO, HOLLYWOOD TANNING SYSTEMS, INC.
- Docket No. 194. Plaintiffs' Opposition to Motion for Protective Order and Cross-Motion for Order Compelling Production.
- Docket No. 206. MOTION for Extension of Time to Complete Discovery by RMB Enterprise, Inc., MARKWOOD ENTERPRISES, INC.
- Docket No. 207. MOTION to Compel Production of Documents from Third-Parties Hollywood Tans Group, LLC, Hollywood Tans Franchising, LLC and Tan Holdings, LLC by RMB Enterprise, Inc., MARKWOOD ENTERPRISES, INC.
- Docket No. 211. Second MOTION for Protective Order And To Quash Subpoenas by RALPH VENUTO, JR, CAROL F. VENUTO, HOLLYWOOD TANNING SYSTEMS, INC.

Plaintiff Markwood continues to require Court intervention to obtain the requested testimony and documents with regard to Defendants, including documents and testimony concerning their conduct, knowledge and finances. As Defendants have not budged with regard to the subject matter of Markwood's motions and cross-motions, Markwood respectfully renews its request for orders compelling production and, if desired by the court, its January 21, 2010 request that a hearing or case management conference be scheduled to resolve the pending motions. We respectfully believe the Court referenced the scheduling of such a conference at the November 24, 2010 hearing and December 4, 2010 telephone conference.

Markwood further renews its March 4, 2010 request that the Court schedule a case management conference to discuss the pending motions and affected case deadlines, as well as Markwood's unopposed request for an adjournment of the Final Pre-Trial Conference/Memorandum deadline.

Respectfully,

BOCHETTO & LENTZ, P.C.

By: /s/ Albert M. Belmont, III, Esquire
Albert M. Belmont, III, Esquire

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